

## **Proposal 4: ADD CHIEF ADMINISTRATIVE OFFICER OR DESIGNEE RESPONSIBILITY FOR FILINGS**



### **THE CHALLENGE**

***Currently, the Lobbying Act fails to define who is responsible for the accuracy of required lobbying filings.***

With respect to criminal penalties and debarment, the Lobbying Act (at Section 1-o(a)(ii)) specifically places responsibility for making and filing lobbying statements or reports with the Commission on Ethics and Lobbying in Government on the Chief Administrative Officer (CAO) of any organization required to file such statements or reports, or the CAO's designee. The provisions relating to civil penalties, however, (at subdivision (b) of that same section of law) do not similarly define who is responsible for the accuracy, truthfulness, and completeness of the organization's lobbying filing, and that such individual will be responsible for any knowing and willful violation of the Lobbying Act.

Further, the Lobbying Act (at Section 1-p) mandates that all statements and reports are subject to a declaration by the person making and filing such statement or report that the information is true, correct and complete to the best knowledge and belief of the signer under penalties of perjury.

### **THE PROPOSAL**

***Clarify that the Chief Administrative Officer or designee faces penalties for violations of the law.***

In order to aid in enforcement efforts and clarify who has responsibility for an organization's filings, the Lobbying Act should be amended to clarify that the CAO or Designee of an organization (1) is responsible for making and filing the organization's lobbying statements and reports, with respect to both criminal and civil penalties; and (2) must sign and submit an organization's statements and reports under penalty of perjury.

Amend Section 1-o of the Lobbying Act to add a new subdivision (e) that provides that, for purposes of Section 1-o, the CAO of any organization required to file a statement or report shall be the person responsible for making and filing such statement or report with respect to both civil and criminal penalties, unless some other person prior to the due date thereof has been duly designated to make and file such report.

Also amend Section 1-p to provide that the CAO or Designee of an organization submitting a statement or report must sign such statement or report under penalty of perjury.

(NOTE: the Commission would define "Designee" in regulation to mean someone in a position with authority to legally bind the organization).

*Please note, draft bill language is available upon request.*

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